

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Takumi HIJII et al.

Group Art Unit: 1793

Application No.: 10/568,775

Examiner: S. IP

Filed: February 21, 2006

Docket No.: 127091

For: HEAT RESISTANT MAGNESIUM DIE CASTING ALLOYS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 17, 2008, Restriction Requirement, Applicants provisionally elect Group I, claims 1, 3, 5 and 9, with traverse.

The Patent Office alleges that the subject matter of Group I and Group II allegedly do not relate to a single inventive concept under PCT Rule 13.1 because the special technical features (i.e., Al, Ca, Sr, Mn, rare earth metal and Mg) of Group II do not correspond to the special technical features of Group I (i.e., Al, Ca, Sr, Mn and Mg). See Restriction Requirement, page 2.

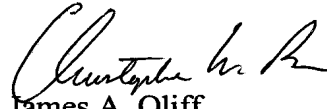
Contrary to the allegations in the Restriction Requirement, the special technical features of Group I correspond to the special technical features of Group II. Claim 1 recites a heat resistant die casting alloy comprised of Al, Ca, Sr, Mn and Mg. Claims 11 and 12 recite a heat resistant die casting alloy comprised of Al, Ca, Sr, Mn, a rare earth metal and Mg. In other words, the only difference between claim 1 and claims 11 and 12 is the required presence of a rare earth metal in the alloy of claims 11 and 12.

The die casting alloys of Group I and Group II thus have the same technical features because the claims recited in Group I and in Group II include the same "core" elements (i.e., Al, Ca, Sr, Mn, and Mg). The inclusion Al and Ca in the die casting alloys, through the process of grain boundary strengthening, increases the strength of the alloy at both room temperature and high temperature because of the formation of Al-Ca based, Al-Sr based and Mg-Al based intermetallic compounds. See page 3, line 35 - page 4, line 29 of the specification. Furthermore, the inclusion of Sr prevents the formation of casting cracks and improves creep resistance, while the inclusion of Mn and Mg promote good corrosion resistance. See page 5, lines 8-21 of the specification. As such, the subject matter of Group I and Group II do share the same technical features, which is the inclusion of Al, Ca, Sr, Mn and Mg in a die casting alloy, and thus correspond to a single inventive concept. The Restriction Requirement is thus improper.

It is also respectfully submitted that the subject matter of all claims 1, 3, 5, 9, 10, 11 and 12 are sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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